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Chair: Mr. Fathalla (Vice-Chair)

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In the absence of Mr. Shany, Mr. Fathalla (Vice-Chair) took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Initial report of Belize (CCPR/C/BLZ/1; CCPR/C/BLZ/Q/1/Add.1; and CCPR/C/BLZ/Q/1/Add.2)

1. *At the invitation of the Chair, the delegation of Belize took places at the Committee table.*

2. **Ms. Young** (Belize), introducing her country's initial report (CCPR/C/BLZ/1), said that the essence of the Covenant had been incorporated into her country's Constitution in 1981. She acknowledged that, although Belize was fully committed to the implementation of the Covenant, it had been tardy in fulfilling its reporting obligations. Such tardiness in no way reflected ill-will, but was instead due to a lack of sufficient technical, financial and human resources, which presented an acute challenge for small island developing States.

3. Belize had a population of only about 380,000 people. It was also a multi-ethnic country since, according to the 2010 census, more than 34.8 per cent of Belizeans had been born abroad. The country's gross domestic product (GDP) amounted to just over US$ 1.5 billion and the public debt was equivalent to 93.8 per cent of GDP. Given the country's vulnerability as a small island developing State, the Government was focusing on a rights-based approach to development.

4. Belize had ratified the following treaties during the period from 1997 to 2014: the International Covenant on Economic, Social and Cultural Rights; the International Convention for the Protection of All Persons from Enforced Disappearance; the Convention on the Reduction of Statelessness; and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

5. The United Nations Development Programme (UNDP) was helping Belize to build its reporting capacity, and, in addition to the International Covenant on Civil and Political Rights, priority was being given in 2018–2019 to reporting on the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

6. The rights and obligations set out in the Covenant were enshrined in the Constitution and in a wide range of national laws, including the Criminal Code, the Education and Training Act, the Trafficking in Persons Prohibition Act, the Refugees Act, the Immigration Act, the Families and Children's Act, the Commercial Sexual Exploitation of Children Act, the Domestic Violence Act, the Marriage Act, the Police Act, the Ombudsman Act, the Prisons Act, the Evidence Act, the Juvenile Offenders Act and the Supreme Court of Judicature Act.

7. When a right was to be restricted as a matter of public interest, the Supreme Court was called upon to determine whether the legislative objective was sufficiently important to justify such a restriction and whether the measures taken and means used were rationally related to its achievement and remained within the necessary bounds.

8. In the case of *Caleb Orozco v. the Attorney General of Belize et al.*, in which the plaintiff had sought redress for discrimination on the basis of sex, the Supreme Court had expressly invoked articles 2 and 26 of the Covenant in its judgment and had embraced the Committee's view that the word "sex" should be interpreted as including "sexual orientation".

9. The Government of Belize had taken steps to raise awareness of human rights in general through training courses and workshops. Since 2014, training courses for magistrates and judges had covered thematic issues such as gender equity, juvenile justice, mental health in capital murder cases, refugee law and human trafficking.

10. A feasibility study on the establishment of a national human rights institution had been commissioned, and the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in that connection had been requested. Although there was no single or overarching national human rights institution, Belize had a number of specialized human rights institutions that focused on the implementation of specific treaties, including those relating to the rights of children and women, and institutions tasked with advocating for the rights of persons living with HIV and the rights of older persons. The Office of the Ombudsman also received and investigated complaints concerning any public authority.

11. Sections 3, 6 and 16 of the Constitution enshrined the principle of non-discrimination. In addition, the Government and the National AIDS Commission were developing a comprehensive anti-discrimination bill that would also be applicable to the private sector. Under section 20 of the Constitution, persons whose rights had been, were being or were likely to be contravened could apply to the Supreme Court for redress. They could also have recourse to the Public Service Commission, the Teaching Services Commission, the Professional Standards Branch of the Police Department and the Office of the Ombudsman.

12. The representation of women in senior government positions had increased by 7 per cent between 2013 and 2018. The Government acknowledged, however, that further action was required. To that end, the Women in Politics Project, which had been administered by the National Women's Commission since 2010, continued to work towards building the confidence and capacity of a critical mass of women in Belize to participate in the political process at its highest level and to help to transform that process. Since the launch of the project, 98 women had received training that focused on political and national development issues. In 2017, the National Women's Commission had hosted the country's first Women in Politics Conference with a view to providing greater support for women's leadership in public and political life.

13. The Government and the Police Department took the issue of violence against women, including domestic violence, very seriously, and there were dedicated domestic violence units in police stations throughout the country.

14. Pursuant to section 18 (10) of the Constitution, the rights set out in article 4 (2) of the Covenant could not be derogated from if a state of emergency were to be declared in Belize, with the exception of the prohibition on forced labour.

15. The death penalty was permissible under Belizean legislation. However, it had not been imposed in almost 30 years.

16. Following the visit of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Minister of National Security had directed that a committee should be established to take action on the Subcommittee's recommendations. Priority had been given to framing a precise legal definition of torture.

17. The Belize Police Department did not detain persons as a means of intimidation. In cases where there had been allegations that a person had been arbitrarily arrested and held without charge beyond 48 hours, investigations had been conducted and successful civil actions had been brought in some instances. For example, in the case of the *Attorney General of Belize v. Micah Thompson et al.*, the damages awarded to the respondents had been increased to cover the damages arising from their false imprisonment. Officers received ongoing training designed to ensure that the rights of detainees were respected.

18. The Criminal Procedure Rules established time limits for pretrial detention, and cost orders could be imposed for non-compliance with the procedural timetable. In January 2018, the Chief Justice had acknowledged that there was a substantial number of criminal cases awaiting trial, and the Government had brought in two additional Supreme Court justices from the Caribbean in February 2018 to tackle the backlog.

19. Combating trafficking in persons required constant vigilance, since the perpetrators were frequently part of organized crime rings. The 2013 Trafficking in Persons Prohibition Act covered all forms of trafficking and provided for penalties of up to 12 years' imprisonment if the victim was a child and up to 25 years' imprisonment in cases involving sexual assault or other aggravating circumstances. Trafficking was an indictable offence that was tried before the Supreme Court. The Anti-Trafficking in Persons Council coordinated

the efforts of a cross-section of ministries to enhance preventive and protective measures, expand the scope of the investigative work done in trafficking cases and successfully prosecute traffickers. In 2018 the Belize Police Department had created the Trafficking in Persons Unit.

20. The Government had been tackling migration, immigration and asylum issues since pre-independence days. On 25 April 2017, a technical working group had been established and tasked with preparing a report that would address the recurring concerns and issues that had been raised regarding the Refugees Act. In preparing that report, the working group would draw on inputs from all members of the Refugee Eligibility Committee.

21. Section 12 of the Constitution provided for unfettered freedom of expression in all cases save those specified in the Libel and Defamation Act.

22. In 2015 the Government had agreed to the Consent Order delivered by the Caribbean Court of Justice regarding the rights of the Maya peoples living in villages in the Toledo District. The issue of Maya land rights was extremely complex. The Toledo District had porous borders with Guatemala, where members of the Maya peoples also resided. In addition, communal land rights were based on Belizean land title systems and the commercial structure of banking and trading activities. The Government was determined to maintain unity on the issue of landownership and/or control, but significant progress had been made in complying with the Consent Order.

23. **Ms. Waterval** said that she would appreciate information regarding additional court cases in which the Covenant had been invoked. Further information on the professional training of judges, lawyers and law enforcement personnel would also be helpful, as paragraph 10 of the report failed to describe the measures taken to familiarize them with the Covenant.

24. The Office of the Ombudsman presumably submitted recommendations to the authorities after having investigated complaints submitted to it. She wished to know what percentage of such recommendations had been implemented. Given that the budgetary allocation for the Office of the Ombudsman had increased by 8.7 per cent in the previous two financial years, she wondered whether the Office now had sufficient funds to exercise its mandate.

25. With regard to the voluntary termination of pregnancy, she would appreciate clarification of the statement made in the reply to question 9 of the list of issues that cases involving rape or incest that had led to pregnancy and that had not been reported immediately were managed by the Department of Human Services.

26. **Mr. Muhumuza**, addressing question 3 on the list of issues, said that he would like to know why the State party's Constitution did not specifically ban discrimination on the grounds of language, religion, opinion, social origin, property or birth. As the list of prohibited grounds set forth in section 3 of the Constitution appeared to be a closed list, it would be useful to know whether there were any examples of cases where the courts and executive departments of the Government had interpreted the prohibition of discrimination more broadly. He would also appreciate information on any law or constitutional reform process aimed at embracing a more wide-ranging approach to the issue of non-discrimination.

27. He would be grateful if the delegation could outline any moves made to clarify the provisions in the Constitution and other laws governing states of emergency in order to preclude derogations from any of the rights covered by article 4 of the Covenant and to ensure that any derogations could be adopted only to the extent required by the exigencies of the situation and that they were not discriminatory. Lastly, he would be interested to hear about the outcome of the review of the measures adopted by the Ministry of the Attorney General to ensure that constitutional and other legislative provisions on the state emergency complied with article 8 of the Covenant.

28. **Ms. Pazartzis** asked whether the State party's Government was drafting an anti-discrimination bill. Further to the State party's reply to question 4 on the list of issues, she would welcome details about the comprehensive review of the Immigration Act and its timeline. She would also be interested in learning whether there was currently any mechanism in place for examining complaints filed by individuals who had been denied entry under

section 5 (1) of the Act and whether any remedies were available for challenging denials of entry.

29. With regard to question 8 on the list of issues, she wished to know whether accounts of an increase in cases of femicide during the reporting period were accurate. She would like to know what steps had been taken pursuant to the Domestic Violence Act to combat that form of violence against women and whether any problems had been encountered in the implementation of the National Gender-Based Violence Plan of Action. Could the delegation please elaborate on the measures adopted to ensure the effective investigation, prosecution and punishment of perpetrators of such violence and the availability of adequate remedies? She was curious to know why 70 per cent of victims withdrew their complaints when their case went to court. Lastly, she wondered whether one safe house for survivors of domestic violence and their children was sufficient.

30. **Ms. Kran** said that the dialogue between the Committee and the delegation, the purpose of which was to provide guidance on the practical implementation of the Covenant, would have been more effective if the replies to the list of issues had been supplied in a timely manner.

31. With regard to question 5, she wished to know what measures were in place to address gender-based discrimination, including discrimination on the basis of sexual orientation and gender identity which hampered access to employment. She also wished to know what action had been taken to document and curb the proliferation of hate speech, harassment and violence directed against lesbian, gay, bisexual, transgender and intersex persons. In the light of reports of police intimidation and harassment of such individuals and, more specifically, reports concerning an incident in the village of Esperanza, the Committee would welcome information on any proactive measures taken to prevent and investigate the intimidation and harassment of such individuals, particularly with regard to action taken by law enforcement officials or their failure to do so. She would like to invite the delegation to explain how the State party intended to rectify the scarcity of data on the issue and what specific steps it was taking to actively address the problem. She also wished to know what would be done to ensure that perpetrators of crimes against lesbian, gay, bisexual, transgender and intersex persons were punished in line with the provisions of the Covenant.

32. Given the findings of the Caribbean Court of Justice in *Maurice Tomlinson v. the State of Belize*, it was unclear why the general reference to homosexual behaviour had not been deleted from section 5 (1) (e) of the Immigration Act in order to avert the risk that the provision in question might be used to justify discriminatory immigration practices. She wished to know whether it would be feasible to amend the Immigration Act to bring it into line with the obligations set forth in articles 2 and 26 of the Covenant. She would also like information on any case law following the Tomlinson judgment that related to the meaning, interpretation or application of the above-mentioned section of the Act. Information would also be welcome on any existing or planned public education or awareness campaigns focusing on the Covenant and on the promotion of the full enjoyment of human rights for everyone, including members of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community.

33. With regard to question 6, she would appreciate information on the follow-up to the recommendations of the Women in Politics Conference. Had any funding been allocated for that purpose? What were the timelines for the follow-up measures? Did they include support for women candidates for elected office? She also wished to know what steps, in addition to the implementation of the Women in Politics Project, were being planned to help to support the efforts of women who were elected to the National Assembly to perform their legislative duties on an equal footing with male representatives during their term of office. She would be grateful for information on any initiatives for building support for amendments to the Representation of the People Act that would introduce a minimum quota system for women representatives in the National Assembly. What was the timeline for the submission of such amendments to the legislature?

34. It would be useful for the Committee to know whether any steps had been taken to emulate measures adopted in other countries in order to make the country's legislative bodies more gender-sensitive or family-friendly so that women with childcare responsibilities would

feel welcome to run for and serve in public office. She also wished to know if any measures had been adopted to narrow the persistent wage gap associated with the fact that fewer women than men held managerial positions. In that connection, she would like to know why official statistics on gender-based wage disparities were not collected. Were there were any plans to remedy that shortcoming?

35. She would be interested to know what conditions would need to be in place for the State party to consider amending the Criminal Code in the light of the decision of the Privy Council in the case of *Reyes v. the Queen* that the mandatory imposition of the death penalty was unconstitutional. It would also be useful to know whether the State party planned to abolish the death penalty or ratify the Second Optional Protocol to the Covenant.

36. In view of the fact that the homicide rate in the State party was high, but the prosecution rate for murder was low, it would be interesting to have a full account of the measures that the State party took to protect the right to life. She would find it useful to have information on the measures taken to prevent and combat violations of the right to life, including information on the legal standards governing the use of force and firearms by the police and the sources of those standards in domestic law. In addition, she would like to learn more about the training provided to law enforcement officials and its impact on the protection of the right to life and the prevention of torture and about the application of the guidelines for the treatment of persons in police custody issued by the Commissioner of Police in January 2016.

37. She would also be grateful if the delegation could provide the precise definition used for the offence of "criminal harm to the person", which the State party had said encompassed acts of torture. Clarification as to whether all acts of torture were covered by that offence would be welcome. Furthermore, it would be useful to know whether confessions extracted by means of torture were admissible in a court of law. Further information on the incidence of torture would also be appreciated, including the number of complaints of torture filed in the last five years and the outcomes of any investigations and prosecutions arising from those complaints. Additionally, it would be interesting to learn what measures the State party had taken to provide training on the prohibition of torture and what systems of investigation were in place. In particular, it would be useful to know who visited places of detention to establish whether torture had taken place there. Lastly, she wished to know whether corporal punishment had been used in settings other than custodial settings since 2000, whether it was lawful in schools and in the home, and whether the State party planned to amend the applicable law in order to prohibit it in all settings.

38. **Ms. Cleveland** said she had noted that the State party's Constitution provided that the fundamental rights of citizens could be restricted when doing so was in the public interest. She also noted that, in the replies to the list of issues, it had been said that no court decision had been found that interpreted the meaning of the concept of the public interest. She therefore wished to know whether officers of the court received appropriate training to ensure that their interpretation of that power was consistent with the Covenant since, of course, not all rights under the Covenant, such as the right to protection from torture, could be limited in the public interest, and some could only be restricted with respect to specific governmental interests. The Committee also required that there should be a close relationship between the governmental aim and the restriction at issue.

39. It would be useful to know what the State party understood to constitute potential injury to the physical and mental health of pregnant women as a legal basis for authorizing abortions. Additionally, she would appreciate confirmation of the assertion in the State party's report that the Belize Family Life Association had performed only 95 legal abortions between 2009 and 2014, as well as up-to-date statistics on the number of lawful and unlawful abortions performed annually in Belize.

40. Lastly, she would be grateful for information on any measures that the State party had taken to give effect to the recommendations made in the 2007 concluding observations issued by the Committee on the Elimination of Discrimination against Women (CEDAW/C/BLZ/CO/4), particularly the recommendations that had focused on reducing the maternal mortality rate resulting from unsafe abortions, removing punitive provisions imposed on women who had abortions and providing them with access to quality services for

the management of complications arising from unsafe abortions, and enhancing sex education and the availability of contraceptives throughout the county.

The meeting was suspended at 4.20 p.m. and resumed at 4.50 p.m.

41. **Mr. Williams** (Belize) said that a joint committee had been set up by the Belize Police Department and the Office of the Ombudsman to facilitate cooperation in the investigation of complaints of police misconduct. The results of all investigations into police misconduct carried out by the Office of the Ombudsman were passed on to the Belize Police Department in the form of a report, after which the Professional Standards Branch conducted a supplementary investigation. Where sufficient evidence was found to substantiate a complaint, the police officers concerned faced criminal or disciplinary charges, or both.

42. There were some fundamental rights that were not enshrined in the Constitution, but the courts of Belize routinely interpreted the Constitution and the fundamental rights that it afforded to citizens quite broadly and often upheld rights which were not explicitly mentioned therein. For example, the right to protection from discrimination on the grounds of sexual orientation had been upheld in the case of *Orozco v. the Attorney General of Belize et al.*

43. The only right that could be derogated from during a state of emergency was the right to protection from slavery and servitude in the form of forced labour. However, while section 18 (10) of the Constitution did not explicitly state that the right to protection from servitude could not be derogated from, the regulations outlining the powers vested in law enforcement authorities during states of emergency did not allow for such a derogation to be made. In addition, section 7 of the Constitution provided that no person should be subjected to inhuman or degrading treatment, and that provision would never be ignored during a state of emergency.

44. Every major police station in Belize had a specialized domestic violence unit. The Police Act had been amended to make domestic violence a major administrative infraction. Police officers accused of involvement in domestic violence faced immediate suspension. If the allegations were substantiated, then the officers concerned would face criminal or administrative charges or both and, if found guilty in a court of law, could be dismissed and would be subject to other penalties. In the public domain, many women victims of domestic violence were reluctant to press charges against their partners either for fear of the potential financial impact on their family if their partner was sent to jail or because they were still in love and did not want to end their relationship. Often women pressed charges, only to withdraw them at a later date. Court proceedings could not go ahead without testimony from the complainant, so such cases were dismissed.

45. The Constitution enshrined the right to freedom of expression. That right was limited where it infringed on the rights of others and did not apply to libel. Disparaging comments directed at lesbian, gay, bisexual, transgender or intersex persons could only be dealt with if they were reported to the police. Such comments could be classified as threatening language or behaviour, which constituted a criminal offence, or as libel, which could give rise to civil proceedings if the complainant chose to sue the offending party. However, not all comments constituted hate speech, and the police could not do anything for persons who were simply aggrieved by the expression of opinions contrary to their own. No reports of hate speech by police officers in the village of Esperanza had been made to the Belize Police Department. If such reports had been made, they would have been dealt with appropriately. As an institution, the police force was very receptive to the views of lesbian, gay, bisexual, transgender and intersex persons.

46. There were currently no plans to abolish the death penalty. Police officers underwent continuous training in the proper use of firearms and the justified use of force. Officers found to have used firearms without justification were arrested and charged. Police officers were also trained in the application of the guidelines for the treatment of persons in police custody issued by the Commissioner of Police. The ill-treatment of detainees or persons in police custody was not condoned, and any officers found to have been involved in such behaviour faced sanctions, including dismissal. Statements made under duress were inadmissible in court. In fact, all statements obtained in the course of investigations were subject to a rigorous examination by an independent court to verify that they had been made voluntarily.

47. **Ms. Martinez** (Belize) said that a comprehensive review of section 5 (1) of the Immigration Act was currently under way. No time frame had been established for the completion of that review. She knew of no examples of cases in which section 5 (1) (e) had been interpreted other than the case of *Maurice Tomlinson v. the State of Belize*.

48. **Ms. Rodriguez** (Belize) said that the Department of Human Services of the Ministry of Human Development dealt with reports of pregnancy resulting from rape and incest on a case-by-case basis. The Department provided social and medical assistance to pregnant women, and women who wished to keep their child were provided with child support. Those who wished to put their child up for adoption were supported in that process by a specialized child placement unit.

49. No statistics on the gender pay gap were available. However, the State was currently seeking international assistance for capacity-building in that regard. To support the advancement of women, the National Women's Commission had set up the National Gender-based Violence Committee and various other such committees at the district level to address matters relating to a wide range of gender issues, including issues relating to health, employment and gender-based violence.

50. **Ms. Kran** said that the Committee would appreciate further clarification from the delegation on its responses regarding the reported mistreatment of detainees and lesbian, gay, bisexual, transgender and intersex persons by law enforcement officers. Prior to the meeting, the Committee had received credible reports detailing the participation of police officers in crimes against such persons. The State party's response — in which it appeared to claim that all was well in that regard — gave cause for concern. Similarly, the delegation had stated that the fundamental rights of detainees were respected in the State party and that it was not aware of any particular problems in that regard. However, it was very common for countries to encounter difficulties in fulfilling the provisions of the Covenant on the fair treatment of detainees. Could it be that problems existed that the delegation was simply not currently aware of?

51. **Ms. Waterval** said that she would welcome clarification as to whether abortion was permitted when a pregnancy was the result of rape or incest. She also wished to know whether the State party intended to establish a national human rights institution and whether the increased budget that had been allocated to the Office of the Ombudsman was sufficient for it to fulfil its mandate.

52. **Ms. Pazartzis** said that, for quite some time, the State party had been saying that section 5 of the Immigration Act of 2000 was under review. However, the Committee was still none the wiser as to when any definitive action would be taken in that regard.

53. With respect to the subject of marital violence, further information on the safe houses that had been established to protect female survivors and their children would be of much interest to the Committee. Another point of concern had to do with the fact that section 72 of the Criminal Code appeared to restrict the State party's definition of marital rape by listing a number of circumstances in which non-consensual sexual intercourse between a married couple constituted a criminal act, such as when the spouses had separated and were living apart. The Committee would appreciate further clarification on that issue since, in the State party's replies to the list of issues, it had stated that the Criminal Code established no restrictive criteria regarding marital rape.

54. **Mr. Muhumuza**, referring to the issue of gender balance, said that affirmative action had been taken in other countries in the region to encourage boys to stay in school. Were such measures being taken in Belize? Further information on the existence of a gender pay gap in the country would also be appreciated.

55. **Ms. Cleveland** said that she had understood the delegation to say that the only derogable rights in a state of emergency were explicitly outlined under article 18 of the Constitution. She would like to know whether there was a court decision upholding that interpretation or some other documentary basis for it. She also wished to clarify her earlier question on the three-part test that courts applied to determine how to weigh the fundamental rights of an organization or individual against the public interest in accordance with the Covenant. How was that test interpreted and applied in practice? Not all rights could be

balanced against the public interest in any form; some rights could only be limited in light of particular government aims that must be strictly necessary in order to secure those aims. She therefore wished to know how the State party ensured that the application of the three-part test was consistent with the protection of Covenant rights.

The meeting was suspended at 5.30 p.m. and resumed at 5.40 p.m.

56. **Mr. Williams** (Belize) said that there had been cases in which members of the LGBTI community had made complaints against police officers, and he had personally been involved in resolving one such case after it had been reported to the Commissioner of Police. There was therefore still progress to be made regarding police behaviour towards the LGBTI community. Similarly, law enforcement officers did not always fulfil their obligations relating to the fair treatment of detainees. In such cases, the matter was handled swiftly and could result in the dismissal of the offending officer. To prevent the mistreatment of detainees, training was provided to officers on the justifiable use of force, the treatment of persons in custody and other related subjects. Thanks to the budgetary increases that the Office of the Ombudsman had received over the years, the institution was better staffed than ever and had legal experts in its employ.

57. Three safe houses had been established for victims of domestic violence and their children in the country. If a victim needed protection at a time when all three houses were fully occupied, the Department of Human Services could rent another house to accommodate the victim for up to two months. In such cases, the Government would cover all costs related to rent and the provision of food. Although some domestic violence cases were closed because victims withdrew their complaints out of fear for their safety, there were mechanisms in place to prevent such occurrences. For example, if a victim declared that she had been threatened or confronted, the offending party could be prosecuted under the Criminal Code for having tampered with a witness. When cases of domestic violence were brought before a court, the court would also typically issue a protection order for the victim. Any interference with the victim could therefore result in the offending party being charged for breach of that protection order.

58. A number of cases had set legal precedents for situations in which a court had to weigh the rights of an organization or individual against the public interest. Article 18 (10) of the Constitution listed the fundamental rights that remained non-derogable in a state of emergency. The only non-derogable Covenant right that did not appear under article 18.10 was the right to freedom from slavery. However, the declaration of a state of emergency was ordinarily accompanied by a regulatory directive that provided guidance on the proper conduct of law enforcement agencies during the state of emergency. At such times, the country would never derogate from the fundamental right of all persons to freedom from slavery. Furthermore, should the state of emergency last longer than one month, the Chief Justice had the power to appoint a tribunal to hear the grievances of individuals who felt that they had been adversely affected by the state of emergency.

59. Marital rape was clearly defined under article 72 of the Criminal Code and included cases where the male spouse had sexual intercourse while "recklessly not caring" whether the female spouse consented or not. That wording had been chosen to prevent men accused of marital rape from claiming that they believed that the other spouse had consented to intercourse. Subsection 2 of that article introduced an additional set of scenarios designed to preclude the male spouse from citing such circumstances to justify his actions. Far from being restrictive criteria, those scenarios had been added to make it clear that, under all the circumstances listed, the male spouse's actions could still constitute marital rape.

60. **Ms. Rodriguez** said that section 112 of the Criminal Code permitted abortion in cases where the pregnancy posed a risk to the mother, and the health sector provided access to abortion procedures in such cases. Moreover, special treatment, including emergency contraception, was provided to women who reported that they were pregnant as a result of rape or incest. The Department of Human Services only intervened when such pregnancies were reported late. Regrettably, the delegation was unable to provide statistics on the number of lawful abortions or the maternal mortality rate at the current time.

61. Regarding the gender pay gap, no data were available on the impact of the Equal Pay Act. However, a gender-neutral pay scale was used for government employees.

62. **The Chair**, acknowledging that certain questions remained unanswered, said that he wished to remind the delegation that it had the option of submitting additional responses in writing within 48 hours of its dialogue with the Committee.

The meeting rose at 6 p.m.